

## ARTICLE VII. CONDITIONAL USES, EXCEPTIONS, AND MODIFICATIONS

7-1. Conditional Use Approval. Conditional Uses include certain uses which are allowed in a particular zoning district provided that all conditions specified under the Zoning Ordinance are met. The Zoning Administrator shall issue a Conditional Use Permit for each use listed below upon compliance with all specified conditions and approvals by the appropriate County officials.

A. Special Regulations. Prior to the issuance of development and/or building permits, a Site Plan must be submitted to the Zoning Administrator and approved by the appropriate County officials. This requirement shall apply to all Conditional Uses allowed within the various zoning districts except for: farm outbuildings, home occupations, single-family residences, and temporary meeting and/or events which are conducted no longer than fourteen (14) days per year.

B. Conditional Uses Allowed:

1. Adult Day Care Facility. (Allowed in the C-C, C-H, and O-I Zoning Districts). (Adopted 06/28/07)

a. The facility shall comply with all licensing requirements of the State of Georgia. (Adopted 06/28/07)

b. The hours of operation shall be limited to: 6:00 a.m. to 10:00 p.m. (Adopted 06/28/07)

2. Aircraft Landing Area. (Allowed in the A-R, M-1, and M-2 Zoning Districts).

a. F.A.A. approval for visual flying flight operations and landing areas is required, where applicable.

b. For any newly developed landing area for fixed wing aircraft, a 1,000 foot clear zone as defined by the F.A.A. extending from the end of all runways shall be maintained through ownership or easement, and in no case shall the end of a runway be closer than 200 feet from adjoining properties.

c. Any newly developed landing area shall be located at least 300 feet, as measured from the centerline of the runway, from any contiguous property line.

d. Any roofed structure shall be setback at least 200 feet from the

nearest point on the centerline of the runway.

Add in Its Entirety 11/14/02:

2A. Aircraft Hangar. Defined as a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft. (Allowed in the A-R, M-1 and M-2 Zoning Districts)

1. An Aircraft Hangar must comply with all of the above criteria of Section 7-1.B.1. Aircraft Landing Area.
  2. Use of an Aircraft Hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An Aircraft Hangar shall not include any living quarters or be used for residential purposes.
  3. In the A-R zoning district, on lots of less than ten (10) acres in size, there shall be a maximum of one (1) detached hangar allowed.
  4. In the A-R zoning district, no trade or business of any kind shall be conducted from an Aircraft Hangar.
  5. In the A-R zoning district, a detached aircraft hangar shall be subject to the following:
    - a. A detached hangar is an accessory structure which shall require a building permit, and shall comply with minimum building setbacks.
    - b. A detached hangar shall not be constructed prior to construction of the single-family dwelling.
    - c. A detached hangar shall be located to the side or rear of the principal dwelling.
    - d. A detached hangar shall not exceed 5,000 square feet in size including workshop, restroom, and storage areas.
3. Animal Hospital, Kennel (Commercial or Non-Commercial), or Veterinary Clinic. (Allowed in A-R, C-C, C-H, and M-1 Zoning Districts): All structures, pens, runs, or enclosures shall not be located closer than 300 feet from any A-R or residential zoning district.

- a. Animal Hospital and/or Veterinary Clinic (excludes commercial and non-commercial kennel) (Allowed in O-I Zoning District): All

structures shall not be located closer than 55 feet (30 foot buffer and 25 foot setback) from any A-R or residential zoning district. No outside activity (runs, pens, or enclosures) or boarding is allowed. (Amended 10/22/98)

4. Sales and/or Repairs of Automobile, Truck, Farm Equipment, or Motorcycle.  
(Allowed in C-H Zoning District). (Amended 04/28/05)

1. All Automobile, Truck, Farm Equipment, or Motorcycle Sales facilities shall comply with the following conditions: (Adopted 04/28/05)

- a. All activities except sales shall be conducted indoors.
- b. No outside storage of equipment or parts shall be permitted.
- c. No external loud-speakers allowed. (Adopted 04/28/05)

2. All repair facilities either incidental to a sales use or as a principal use and are not listed as a permitted use in the C-H Zoning District, shall comply with the following conditions: (Adopted 04/28/05)

- a. All repair activities shall be conducted indoors. (Adopted 04/28/05)
- b. No outside storage of equipment or parts shall be permitted. (Adopted 04/28/05)
- c. All overhead doors must face the side and/or rear yard or be screened from view from the street per Article V. General Provisions, Section 5-19. Screening Standards of the Fayette County Zoning Ordinance or utilizing vegetative materials. (Adopted 04/28/05)
- d. All vehicles for repair must be screened per Article V. General Provisions, Section 5-30. Outside Storage of the Fayette County Zoning Ordinance. (Adopted 04/28/05)

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- e. Facilities located adjacent to a residentially zoned area shall not operate between the hours of 7:00 pm and 7:00 am. (Adopted 04/28/05)

f. No external loud-speakers allowed. (Adopted 04/28/05)

5. Automobile Service Station, including gasoline sales in conjunction with a Convenience Store. (Allowed in C-C and C-H Zoning Districts).

- a. Service areas, facilities, and pump islands shall not be located closer than seventy-five (75) feet from a residential or A-R Zoning District.
- b. Gasoline pump islands, air and water hoses, and vacuum cleaners shall be set back the following distances from street rights-of-way:
  - (1) Major thoroughfare:
    - (i) Arterial: thirty-five (35) feet
    - (ii) Collector: thirty (30) feet
  - (2) Minor thoroughfare: twenty-five (25) feet
- c. Canopies shall extend no closer than fifteen (15) feet from any street right-of-way.
- d. Underground storage tanks shall be set back no closer than twenty (20) feet from all property lines.

6. Campground Facilities. (Allowed in the C-C Zoning District).

- a. Campsites shall be utilized by Recreational Vehicles (as defined herein) and by tents (normally associated with outdoor camping), but not by manufactured housing (as defined herein).
- b. The campground shall be utilized for short-term occupancy of fifteen (15) days or less, provided, however, that the property owner or resident manager may permanently occupy one (1) single-family dwelling.

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- c. Said uses shall be permitted only on a lot which possesses at least sixty (60) feet of frontage on a Major Thoroughfare (as defined by the Fayette County Thoroughfare Plan).

- d. The lot area shall be at least ten (10) acres.
- e. The maximum density shall not exceed four (4) campsites per gross acre.
- f. A minimum fifty (50) foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access, utility easements, and signs (pursuant to the Sign Ordinance).
- g. Minimum setbacks for structures and use areas (including campsites) as measured from required buffers:
  - (1) Front yard: seventy-five (75) feet
  - (2) Side yard: twenty-five (25) feet
  - (3) Rear yard: twenty-five (25) feet
- h. At least ten (10) percent of the gross acreage shall be reserved for recreational areas.
- i. Accessory uses shall be allowed provided that the following requirements are met:
  - (1) Such uses and structures shall be restricted to the use of occupants of the park and their quests;
  - (2) All structures and use areas shall meet the minimum buffer and setback requirements found in subsections f. and g., above.
  - (3) Such uses and structures shall be limited to the following: rental offices; shower and restroom facilities; coin-operated laundry facilities; convenience stores; and snack bars.
  - (4) Total floor area for all structures listed in paragraph (3), above, shall not exceed 3,000 square feet.
  - 7-5
  - (5) The sale of alcoholic beverages and/or automotive gasoline shall be prohibited.
- j. The Site Plan for the proposed campground (including all accessory structures) shall be approved by the Fayette County Health

Department.

7. Care Home, Convalescent Center or Nursing Home. (Allowed in the C-C, C-H, and O-I Zoning Districts).
- a. Minimum lot size: three (3) acres
  - b. Such uses shall be permitted only on a lot which fronts on an Arterial Thoroughfare unless such use is part of a planned development which has access to an Arterial Thoroughfare.
  - c. A fifty (50) foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District. The setback shall be measured from the buffer.
  - d. Minimum setbacks:
    - (1) Front yard: 100 feet
    - (2) Side yard: fifty (50) feet
    - (3) Rear yard: fifty (50) feet
  - e. The facility shall comply with all licensing requirements of the State of Georgia.
  - f. Rooms or suites may be designed for housekeeping purposes; however, a central kitchen, central dining facilities, and central recreational facilities shall be provided. (Amended 12/15/05)
  - g. Service areas and facilities shall not be located closer than 100 feet from a residential or A-R Zoning District (of which fifty [50] feet shall be a buffer).
  - h. Twenty-four (24) hour staff shall be required. (Adopted 12/15/05)
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All living facilities must be connected to the central facilities through internal passageways (i.e. hallways, corridors, etc.) (Adopted 12/15/05)
8. Cemetery and Mausoleum. (Human or Pet) (Allowed in A-R and C-H Zoning Districts).

- a. Minimum lot area shall be ten (10) acres for a human cemetery and five (5) acres for a pet cemetery.
  - b. A crematorium shall be allowed only in conjunction with a cemetery or a mausoleum.
  - c. Grave sites shall be set back at least fifty (50) feet from all property lines.
  - d. No structure other than grave markers shall be located within 350 feet of a residential or A-R Zoning District.
  - e. A twenty (20) foot buffer shall be provided in addition to required setbacks along all property lines which adjoin A-R or residential zoning districts.
9. Church, Temple, or Place of Worship. (Allowed in O-I, A-R, and residential zoning districts).
- a. The lot area shall be at least five (5) acres, and the lot width at the building line shall be at least 400 feet.
  - b. Such uses shall be permitted only on a lot which fronts on and accesses a Major Thoroughfare as specified by the Fayette county Thoroughfare Plan.
  - c. A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However off-street parking areas and an unlit tot lot with a maximum size of 2,400 square feet may be located within the setback areas.
  - d. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).
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- (1) Front yard: 100 feet
  - (2) Side yard: fifty (50) feet
  - (3) Rear yard: seventy-five (75) feet
  - e. Uses and/or structures incidental to a church such as a private school,

parsonage, gymnasium, playground, and/or athletic field shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements specified in subsections 8.c. and 8.d., above. Outdoor lighting for recreation purposes shall be prohibited.

- f. Day Care facilities shall be allowed provided that all requirements for day care facilities herein are met.
- g. Adult Day Care facilities shall be allowed provided that all requirements for adult day care facilities herein are met. (Adopted 06/28/07)
- h. Landscape areas shall be required in accordance with the Development Regulations. Tot lots, as defined herein, shall be planted in accordance with the Development Regulations along the side(s) closest to or adjoining the buffer.
- i. All buildings, other than storage buildings, shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area.
- j. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:
  - (1) The property must be zoned A-R with a minimum of 15 acres;
  - (2) The pavilion must be at least 150 feet from any property line;
  - (3) The pavilion must be constructed following the construction of the main sanctuary building;

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- (4) The floor area cannot exceed twenty (20) percent of the square footage of the main sanctuary building; and
- (5) The pavilion may not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed twenty (20) percent of the main sanctuary building square footage.



10. Church or Religious Tent Meeting. (Allowed in A-R, C-C, C-H, O-I Zoning Districts). (Amended 04/09/98)
- a. Said meetings shall not exceed fourteen (14) days per year at the same site.
  - b. Tents shall require the approval of the Fayette County Fire Marshal.
  - c. Off-street parking areas shall be required.
  - d. All activities shall cease by 10:00 p.m.
11. Colleges and Universities. (Allowed in the A-R Zoning District).
- a. The lot area shall be at least ten (10) acres.
  - b. Such use shall be permitted only on a lot which fronts on a Major Thoroughfare as specified by the Fayette County Thoroughfare Plan.
  - c. A minimum fifty (50)-foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District.
  - d. Minimum setbacks for structures and use areas (excluding parking areas) are as follows:
    - (1) Front yard: 100 feet
    - (2) Side yard: fifty (50) feet
    - (3) Rear yard: 100 feet
- 7-9
- e. Uses and/or structures incidental to colleges and universities such as a gymnasium, dormitory, and/or athletic field shall be allowed provided all buildings and use areas meet the minimum setback and buffer requirements specified in subsections 10.c. and 10.d., above.
12. Commercial Driving Range and Related Accessories. Related Accessories limited to: Putting green, chipping green, sandtraps, artificial/natural surface, bunkers, pro shop, and snack bar. (Allowed in C-C, C-H, and A-R Zoning Districts).

- a. All structures, greens, fairways, and parking areas shall be set back at least 100 feet from any A-R or residential zoning district.
- b. All greens, fairways, and driving areas shall be set back at least fifty (50) feet from any non-residential zoning district.
- c. Said facilities shall be for daytime use only except that lighting may be provided for facilities which are located more than 350 feet from a single-family or multi-family residence, provided that lighting is not directly visible from said residence(s).
- d. No outside loudspeaker system shall be utilized.

13. Convenience Commercial Establishment. Facility is limited to the sale of prepackaged food products, gasoline, household items, newspapers, magazines, sandwiches and other freshly-prepared foods for off-site consumption. (Allowed in the L-C Zoning District.)

- a. Maximum floor area: 3,500 square feet
- b. Accessory structures, including service area canopies used in conjunction with the sale of gasoline, shall maintain the same architectural character of the principal structure including the pitched roof, and must be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement must be submitted as part of the Site Plan.
- c. Gasoline pumps, air hoses, and water hoses shall be setback as follows:

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- (1) Major thoroughfare:
  - (i) Arterial: fifty (50) feet
  - (ii) Collector: forty-five (45) feet
- (2) Minor thoroughfare: forty (40) feet
- d. Canopies used in conjunction with the sale of gasoline shall extend no closer than thirty-five (35) feet from any street right-of-way.

- e. Motor vehicle vacuum cleaners shall be located to the side or rear of the principal structure.
- f. Underground storage tanks shall be set back at least twenty (20) feet from all property lines.

14. Day Care Facility (Nursery School or Kindergarten). (Allowed in C-C, C-H, O-I, and A-R Zoning Districts).

- a. A day care facility may be approved as long as it maintains active certification from the Georgia Department of Human Resources. Should the State certifications lapse or be revoked, the Conditional Use permit shall be null and void.
- b. A preliminary license report from the Georgia Department of Human Resources shall accompany the application for a Conditional Use Permit.
- c. Outdoor play areas shall be located to the side or rear of the principal building.
- d. At least 100 square feet of outdoor play area shall be provided for each child during the period of maximum attendance.
- e. A fence measuring at least four (4) feet in height shall enclose the entire play area.
- f. If the side or rear yard abuts a residential or A-R Zoning District, a minimum fifty (50) foot buffer shall be provided adjacent to the lot line. The setback shall be measured from the buffer.

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- g. Service areas, facilities, and playgrounds shall not be located closer than 150 feet from a residential or A-R Zoning District.
- h. If adjoining a residential or A-R Zoning District, the hours of operation shall be limited to: Monday through Saturday from 6:00 a.m. to 7:00 p.m., except that all exterior activities shall only occur from 9:30 a.m. to 4:00 p.m.
- i. A convenient vehicle drop-off area shall be provided, permitting vehicles to re-enter the public street in a forward manner.

15. Developed Residential Recreational/Amenity Areas. (Allowed in subdivisions in the A-R and residential zoning districts, with Final Plat approval).
- a. Lot area: Per zoning district
  - b. Said area must be shown on the Preliminary and Final Plats and labeled as follows: "Not a residential building lot, for recreational purposes only."
  - c. Landscape and buffer areas shall be planted in accordance with the Development Regulations.
  - d. In addition to the required landscape areas, a six (6) foot landscape or buffer area shall be required along the rear property line where adjacent to an A-R or residential zoning district.
  - e. Paved parking area is required per the Development Regulations.
  - f. No activity and lighting permitted after 10:00 p.m.  
(Amended 07/28/05)
  - g. The construction of one (1) open air pavilion up to 900 square feet utilized for picnics and social gatherings. (Adopted 07/28/05)
16. Dry Cleaning Plant. (Allowed in the C-C and C-H Zoning Districts).
- a. Dry cleaning plants using cleaning systems which make use of solvents rated at above forty (40) by the Underwriter's Laboratories, Inc. Standard of Classification known as Class I Systems shall be prohibited;
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- b. Dry cleaning plants which use cleaning systems which make use of solvents rated at more than five (5) but not less than forty (40) according to the Underwriter's Laboratories, Inc. Standard Classification, known as Class II and Class III Systems, shall not be established in a building with other occupancy;
  - c. The building for a dry cleaning plant shall not contain more than 4,000 square feet of floor area inclusive of dry cleaning pickup facility within the building.
  - d. Fuel for operation of the equipment shall be smokeless fuel; and

- e. Central water and central sanitary sewage systems are required.
17. Experimental Labs. (Allowed in the C-H, M-1 and M-2 Zoning Districts).
- a. Minimum lot area: three (3) acres if use is hazardous as defined by the Environmental Protection Agency (EPA).
  - b. Said use must comply with all applicable State and/or Federal licensing requirements.
18. Farm Outbuildings and Greenhouses. (Allowed in the A-R Zoning District). (Amended 04/09/98)
- a. Farm Outbuilding. All structures permitted in this category must be bonafide structures related to the farming operation. (Amended 04/09/98)
  - b. Greenhouses. All structures permitted in this category must be bonafide structures related to the cultivation or protection of landscape planting materials. (Added 04/09/98)
  - c. Farm size over ten (10) acres, no restriction of size of farm outbuildings and greenhouses. (Amended 06/25/98)
  - d. Farm size five (5) to ten (10) acres, one (1) detached farm outbuilding or greenhouse a maximum of 1,800 square feet in size. (Added 06/25/98)

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Farm outbuildings and greenhouses may have plumbing and electricity, but shall not be used for residential purposes. A farm outbuilding may be used as a barn for horses and/or livestock, storing farm equipment, and any other agricultural purposes. Farm outbuildings and greenhouses shall not be located within 100 feet of the main residential structure or connected to any structures on site. (Added 06/25/98)

19. Feed Lot and/or Commercial Barn. Barns and feed lots must be located at least 100 feet from all property lines. (Allowed in the M-1 Zoning District).
20. Fraternities and/or Sororities. All facilities shall be located on a Major Thoroughfare as designated by the Fayette County Thoroughfare Plan. (Allowed in the C-C and C-H Zoning Districts).

21. Golf Course (minimum eighteen [18]-hole regulation) and Related Accessories. Related accessories are limited to: putting green, chipping green, sandtrap, artificial/natural surface, bunker, clubhouse, pro shop, and snack bar. (Allowed in the C-C, C-H, A-R , and EST Zoning Districts). (Amended 04/09/98)

- a. Said facilities shall be for daytime use only.
- b. All structures, greens, and fairways shall be set back at least 100 feet from any property line.
- c. No outside loudspeaker systems shall be utilized.

22. Heavy manufacturing, packaging, processing or handling of materials. Any uses such as the manufacturing of corrosive acids, bone distillation, drop forge industry, fat rendering, fertilizer manufacturing, organic material reduction, meat processing plants, and similar operations which produce noise, odors, dust, fumes, fire hazards, or other nuisance features shall be set back no less than 500 feet from any property line. (Allowed in the M-2 Zoning District).

23. Home Occupation. (Allowed in A-R, residential zoning districts, and the following nonresidential zoning districts: O-I, C-C, C-H, M-1, and M-2.) (See Single-Family Residence under Section 7-1.,B.) (Amended 10/23/08)

(Allowed in A-R and residential zoning districts).

- a. Residents. Only residents of the dwelling may be engaged in the home occupation.

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- b. Incidental Use. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
- c. Display, Sale. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bonafide agricultural products grown on the premises may be displayed in an Agricultural-Residential Zoning District.
- d. Area. Use of the building for this purpose shall not exceed thirty-five (35) percent of the principal building.
- e. Alterations. No internal or external alterations inconsistent with the

residential use of the building shall be permitted.

- f. Accessory Buildings. No accessory buildings or outside storage shall be used except as otherwise provided herein.
- g. Music, etc. Instruction in music and similar subjects shall be limited to two (2) students at a time.
- h. Vehicles. Only vehicles used primarily as passenger vehicles shall be permitted to remain on the premises.
- i. Uses. The following and similar uses shall not be considered home occupations: automobile service station, automobile and related machine sales, automobile repair or maintenance, ambulance service, rescue squad, amusement or recreational activities (commercial), animal hospital, commercial kennel, veterinarian clinic or animal boarding place, pawn shops, acid storage and manufacturing, heavy manufacturing, fortune teller, palm reader, and massage therapy.

24. Hospital. (Allowed in the C-C, C-H, O-I, and A-R Zoning Districts).

- a. Minimum lot size: ten (10) acres
- b. Such use shall be permitted only on a lot which fronts on an Arterial Thoroughfare, as designated on the Fayette County Thoroughfare Plan, unless such use is part of a planned development which has access to an Arterial Thoroughfare.

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- c. A minimum fifty (50) foot buffer plus the required setbacks shall separate all buildings from any residential or A-R Zoning District.
- d. Minimum setbacks:
  - (1) Front yard: 100 feet
  - (2) Side yard: fifty (50) feet
  - (3) Rear yard: fifty (50) feet
- e. Support services, such as pharmacies, public cafeterias and gift shops, are allowed provided such services are in conjunction with, and accessory to, the hospital structure. Such businesses shall be conducted within the primary use structure and shall not exceed ten

(10) percent of the primary structure floor area. No outside advertising is allowed.

25. Hotel. A minimum thirty (30) foot buffer plus the required setbacks shall separate all buildings and use areas from any residential or A-R Zoning District. However, off-street parking areas may be located within the setback areas. (Allowed in the O-I Zoning District).
26. Junk Yard or Auto Grave Yard. (Allowed in the M-2 Zoning District).
- a. Minimum lot size: ten (10) acres
  - b. Maximum site area: twenty-five (25) acres
  - c. A minimum 100 foot buffer shall be provided along every property line including public rights-of-way so that junk is not visible from a public street or adjoining properties.
  - d. All structures and storage areas shall be set back at least 200 feet from a public street and/or adjoining residential or A-R Zoning Districts.

Kenel. See Animal Hospital, etc.

27. Landfill. (Allowed in the M-2 Zoning District).
- a. Minimum lot size: twenty (20) acres
  - b. 

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A minimum 100 foot buffer shall be provided around the entire site so that landfill operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
  - c. Landfill operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
  - d. The landfill shall comply with all licensing requirements of the State of Georgia.
28. Laundromat, Self-Service or Otherwise. (Allowed in the C-C and C-H Zoning Districts). Central water and central sanitary sewage systems are required.



29. Non-Emergency Medical Transport Service. (Allowed in the O-I Zoning District) (Adopted 07/26/07)

- a. The service must comply with all licensing requirements of the State of Georgia. (Adopted 07/26/07)
- b. Parking of all medical transport vehicles is allowed in the side and/or rear yard(s) only in designated parking spaces. Medical transport vehicles shall be screened from the street via a fence or wall. The fence or wall shall be located between the designated parking spaces and the street. Said fence or wall shall be limited to wood, brick, stone, or concrete/concrete block with architectural treatment and shall be a minimum height of eight (8) feet. (Adopted 07/26/07)
- c. No on-site vehicle maintenance or fueling facilities are allowed. (Adopted 07/26/07)

30. Mining or Quarrying. (Allowed in the M-2 Zoning District).

- a. Ingress and egress to and from the facility shall be via an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
- b. A minimum 100 foot buffer shall be required adjacent to residential or A-R Zoning Districts.

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- c. No activity involving blasting or the operating of machinery shall occur within 500 feet of a residential or A-R Zoning District.
- d. All activity involving blasting or the operating of machinery shall be limited to daylight hours.
- e. The operation shall comply fully with the requirements of the State of Georgia.

31. Outdoor Amusement Facilities, Rides, Structures over thirty-five (35) feet in height, including, but not limited to Bungee and Parachute Jumping. (Allowed in the C-H and M-1 Zoning Districts).

- a. Where applicable, all State of Georgia Codes, Rules and Regulations shall apply. Verification that State Requirements are met shall accompany the application for a Conditional Use Permit.

- b. All structural and support parts shall not be located closer than 300 feet from any A-R or residential zoning district.
- c. Any structure, ride, etc. erected in connection with an outdoor amusement activity, over thirty-five (35) feet in height, must be dismantled upon the closing of the business or activity in question.
- d. Any structure, ride, etc. over thirty-five (35) feet in height, or with elements over thirty-five (35) feet in height, must be surrounded by a six (6) foot high fence with a locked gate when the facility is not in use. A four (4) inch sphere shall not be able to pass through any section of the fence or gate.
- e. The structure shall be designed to fall entirely within the boundaries of the site should structural failure occur.

32. Processing, packaging or handling of perishable agricultural products grown on premises (i.e. fruits and vegetables). (Allowed in the A-R Zoning District).

- a. Minimum lot area: five (5) acres
- b. All structures shall be set back at least 100 feet from any property line.

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- c. No structure shall exceed 5,000 square feet of floor area (interior measurements).
- d. There shall be no outside storage of packaging materials, pallets, and all other items involved in the processing and packaging of said agricultural products.

33. Recycling Facility. (Allowed in the M-1 Zoning District).

- a. All separation and processing (baling, compacting, grinding, or shredding) must occur entirely within an enclosed building.
- b. A convenient paved drop-off area must be provided, permitting vehicles to re-enter the public street in a forward manner. Traffic circulation patterns must be indicated on the Site Plan.
- c. All outside storage of recyclable materials must be on a paved surface within fully enclosed bins with hinged lids or other access points

which can be closed.

- d. All outside storage areas shall be totally screened according to the Development Regulations. Storage bins can not be a greater height than the screening.

34. Rifle Ranges. (Allowed in the A-R Zoning District).

- a. Any commercial or private rifle range shall comply with the requirements promulgated by the National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and contained in that publication known as "HIGH POWER RIFLE RANGES", National Rifle Association, Range Facilities Department and on file with the Zoning Administrator of Fayette County.
- b. Any commercial or private ranges operated solely for shotgun use shall comply with the rules and regulations as promulgated by the National Rifle Association of America, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036, and in particular that publication known as "SHOTGUN PLAN, SHOOTING FACILITIES" and on file with the Zoning Administrator of Fayette County.

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35. School (Private and special), and Incidental Sports Arena, Stadium or Recreational Field. (Allowed in the A-R and residential zoning districts).

- a. Minimum lot size: five (5) acres
- b. A minimum 100 foot wide buffer plus required setbacks shall be provided adjacent to any residential or A-R Zoning District.
- c. Outdoor recreation areas shall not be located within 150 feet of an adjoining residential or A-R Zoning District. Outdoor lighting for recreation purposes shall not be permitted after 10:00 p.m.
- d. Student drop-off and vehicular turn-around facilities shall be provided on the site.
- e. The construction of one (1) open air pavilion over 900 square feet utilized for picnics/social gatherings only is allowed under the following conditions:

- (1) The property must be zoned A-R with a minimum of fifteen (15) acres;
- (2) The pavilion must be at least 150 feet from any property line;
- (3) The pavilion must be constructed following the construction of the main school building;
- (4) The floor area cannot exceed twenty (20) percent of the square footage of the main school building; and
- (5) The pavilion may not be lighted or used after 10:00 p.m.

If the open air pavilion is built in conjunction with an attached storage building, the overall square footage shall not exceed twenty (20) percent of the main school building square footage.

36. Self-Storage Facility. (Allowed in M-1 and C-H Zoning Districts) (Adopted in its entirety 06/28/01; Amended 06/24/04; Amended 01/13/05; Amended 03/24/05) (Amended 06/28/07)

- a. The maximum size of a storage bay shall be 550 square feet. (Amended 03/24/05)

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- b. All buildings shall maintain a decorative facing on those portions of the building which face public streets and any property zoned residential or agricultural-residential. The decorative facing shall consist of brick, stone, stucco or similar building materials compatible with the area, and the colors selected shall be classic exterior or nature-blending compatible with the area. The Transportation Corridor Overlay Zone shall apply when applicable. (Amended 06/28/07)
- c. Aisleways adjacent to storage bays shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be twenty-five (25) feet as measured from the closest part of the structure including any overhang. (Amended 03/24/05)
- d. Storage of vehicles, boats, and trailers, shall be located in the rear yard only and be screened from view from adjacent residential areas and public roads with any combination of privacy fence and/or berm, and vegetation. Covered vehicle storage up to 850 square feet per parking space, shall be allowed provided it does not exceed twenty-

five percent (25%) of the overall gross square footage of all buildings. All covered storage must have a peaked roof, be closed on any side that is visible from a residential or A-R zoning district or from any street, and must be built of materials consistent with the main structure. Aisles adjacent to boat and RV parking shall be a minimum of fifty (50) feet wide unless it is angle parking. (Amended 01/13/05)

- e. The accessory use of truck rental parking may be allowed within the front yard provided the landscaping along the front property line includes a two (2) foot berm with double the minimum planting requirements.
- f. All outdoor lighting shall be shielded away from adjacent residential uses. (Amended 03/24/05)
- g. No exterior loudspeakers or paging equipment shall be permitted on the site.

7-21

37. Single-Family Residence. (Allowed in the C-C, C-H, M-1, M-2, and O-I Zoning Districts).

- a. Said residence shall be a single-family detached residence.
- b. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined by the Subdivision Regulations of Fayette County.

38. Telephone, Electric or Gas Sub-Station or Other Public Utility Facilities. (Allowed in the A-R, C-C, C-H, MHP, and residential zoning districts).

- a. Minimum lot size: five (5) acres
- b. All structural parts of the facility shall be contained within the boundaries of the parcel.
- c. An eight (8) foot high fence capped with barbed wire with a locked gate shall surround the facility.
- d. The facility shall be screened in accordance with Section 5-19 herein.

- e. If electrical current is present in the facility, signs stating "High Voltage" shall be attached to the fence every twenty (20) lineal feet.
- f. A 100 foot undisturbed buffer is required adjacent to all property lines.

39. Temporary Carnival or Rodeo. (Allowed in the A-R Zoning District).

- a. Said carnival or rodeo shall not be operated longer than fourteen (14) days per year.
- b. Tents shall require the approval of the Fayette County Fire Marshal.
- c. Off-street parking shall be required.
- d. Outdoor lighting for activities shall not be permitted after 10:00 p.m.

7-22

40. Transfer Station for Household and Commercial Garbage. (Allowed in the M-2 Zoning District).

- a. Minimum lot size: ten (10) acres
- b. A minimum fifty (50) foot buffer shall be provided around the entire site so that transfer station operation activities are not visible from adjoining properties or any public street. Said buffer shall provide 100 percent screening from adjoining residences prior to commencing operations.
- c. Transfer station operations shall be set back at least 200 feet from an Arterial Thoroughfare as designated by the Fayette County Thoroughfare Plan.
- d. The transfer station shall comply with all licensing requirements of the State of Georgia.

7-2. Nonconformances.

- A. Nonconforming Lots. Any lot, being a lot of record at the time of passage of this ordinance, that fails to comply with the requirements of this Ordinance may:

1. If vacant, be used for a dwelling, in the A-R or a residential zoning district, provided that the height and floor area requirements along with the yard and any other applicable requirements are met.
2. If vacant and in any district other than a residential or A-R Zoning District, be used for any use allowed in the applicable district provided that the minimum requirements for height, floor area and yards, and any other applicable requirements shall be met.
3. If occupied by a structure containing a conforming use, have the structure improved, enlarged or extended provided that the minimum requirements for height, floor area and yards and any other applicable requirements are met.

B. Nonconforming Open Uses of Land. Uses consisting of storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established herein, shall be governed by the following restrictions in addition to other requirements herein.

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1. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
2. Nonconforming open uses of land shall not be changed to any use but conforming uses.
3. A nonconforming open use of land shall not be enlarged to cover more land.
4. When any nonconforming open use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that zoning district under the provisions herein. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

C. Nonconforming Use of Structures. Nonconforming uses of structures include structures used, at the time of passage of this Ordinance, for purposes not permitted in the zoning district in which they are located. They shall be governed by the following restrictions:

1. A nonconforming use of a structure may be changed to another nonconforming use upon a finding by the Zoning Board of Appeals that the proposed nonconforming use is similar in its operation and effect on surrounding properties.

2. A nonconforming use of a structure shall not be changed to another nonconforming use that generates more automobile or truck traffic; creates more noise, vibration, smoke, dust or fumes; is a more intensive use of the structure than the existing nonconforming use; or is in any way a greater nuisance to the adjoining properties than the existing nonconforming use.
3. A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected and arranged for, or designed for, such nonconforming use, except as provided herein. No alterations shall be made in any structure occupied by a nonconforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
4. When any nonconforming use of a structure is discontinued for a period in excess of six (6) months, any future use of the structure shall be limited to those uses permitted in that zoning district, except as otherwise provided for herein. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

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D. Restoration and Re-Use of Nonconforming Historic Structures. Nonconforming historic structures previously used for purposes not permitted in the zoning district in which they are located shall be governed by the following restrictions:

1. The structure and previous use must be identified in the Architectural Survey of Fayette County. (Amended 12/05/01)
2. The structure itself must be the subject of restoration. Any extension, enlargement or alteration of the structure is subject to approval of the Zoning Board of Appeals.
3. Areas of consideration for approval of such a request include, but are not limited to:
  - a. Submittal of a site plan;
  - b. Restriction of allowable uses;
  - c. Parking requirements;
  - d. Landscaping requirements; and
  - e. Signage.

E. Use of Historic Residential Structures in Residential Subdivisions. The preservation



of historic residential structures listed in the Architectural Survey of Fayette County is encouraged in residential subdivisions as these structures can be used as residences or community facilities for the subdivision. Existing structures used for a community facility must meet all applicable building and safety codes and will be regulated as a

Conditional Use under Developed Residential Recreational/Amenity Areas. The use of these structures will be subject to the approval of the Zoning Board of Appeals in terms of any nonconformance with the applicable zoning district. (Adopted in its entirety 12/05/01)

- 7-3. Reconstruction of Nonconforming Structures. When a nonconforming structure or a structure containing a nonconforming use is razed or damaged by fire, flood, wind or act of God, such structure may be reconstructed only if the cost of reconstruction totals less than seventy-five (75) percent of the current fair market value of the structure for tax purposes. The "value of the structure" shall not include the value of any accessory building, well, septic tank or utility in determining the extent of the damage. Structures which do not conform to the yard requirements herein shall also be governed by this provision.

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- 7-4. Changes in Zoning. Any nonconformances produced by a change in zoning district boundaries or Ordinance regulations after the date of passage of this Ordinance shall also be governed by the provisions of Section 7-2.

- 7-5. Illegal Nonconforming Uses. Notwithstanding any other provisions herein to the contrary, as to nonconforming uses which were illegal when they were commenced, or which became illegal thereafter prior to the adoption of this Ordinance, this section shall be deemed to impose additional regulations only. It shall not be held or construed to be permissive of such illegal use nor as recognizing any right to the continuance of an illegal use, except in those instances where the illegal use was rendered conforming by the inclusion of the land whereon such use was conducted within a zoning district wherein such use is permitted as shown upon the Zoning Map of Fayette County.

- 7-6. Transportation Corridor Overlay Zone  
(A. - Adopted in its entirety 03/09/95) (A., B., C. - Amended 06/24/04)

For the purposes of Section 7-6., a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed including a petition to rezone the land, the subdivision of property through a preliminary and/or final plat, and/or the submittal of a site plan. (Adopted 03/22/07)

- A. S.R. 54 West Overlay Zone. All property and/or development which have road frontage and/or access on SR 54 West with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements

and other development regulations which apply. The intent of the overlay is to set standards specifically to Hwy 54 from Fayetteville to Peachtree City. (Amended 11/13/03) (Amended 06/07/06) (Amended 03/22/07)

1. The purpose of the SR 54 West Overlay Zone is to achieve the following:  
(Amended 06/07/06) (Amended 03/22/07)
  - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
  - b. To maintain a non-urban separation between Fayetteville and Peachtree City along SR 54 West; and
  - c. To protect the aesthetics for existing and future residential areas in this Highway Corridor. (Amended 03/22/07)
2. Access The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

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- a. Access to each nonresidential property and/or development shall be from SR 54 West or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 06/07/06) (Amended 03/22/07)
3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.
  - a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.
  - b. Setbacks will be as follows:
    - (1) Front yard setback on SR 54 West: 100 feet  
(Amended 06/07/06) (Amended 03/22/07)
  - c. The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)
  - d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning, shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer. (Amended 03/22/07)

- e. If the side yard abuts a nonresidential zoning district, all impervious surfaces, other than approved access, shall be located a minimum of ten (10) feet from the side property line.

4. Architectural Standards. These standards shall apply to all nonresidential development within this Overlay Zone\*

These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements must be submitted as part of the Site Plan:

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- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot, including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or terra cotta; Amended 06/07/06)
- b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco); (Amended 03/22/07)
- c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows; and (Amended 03/22/07)
- d. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)

- e. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

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This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

*\* (excluding the areas of the Hospital District which includes that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road) (Amended 06/07/06)*

- 5. Landscape Requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:
  - a. Street Frontage. Landscape area: fifty (50) feet along the right-of-way of SR 54 West. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/ structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06) (Amended 06/07/07)

- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
- 6. Use of Existing Structure: When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:
  - a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by existing structures. Any new construction shall comply with the setback requirements herein. (Amended 03/22/07)

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- b. All additions to existing structures shall not encroach upon the setback to a greater extent than the existing building line. (Amended 03/22/07)
- 7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:
  - a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
- 8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
  - a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building line of any structure located on the site. (Adopted 03/22/07)
  - b. No outside storage allowed.
  - c. All roof top mechanical equipment and satellite dish antennas shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
  - d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the

principal building, and not facing SR54.

- B. S.R. 85 North Overlay Zone. All property and/or development within 1,000 feet of the right-of-way of SR 85 North shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line. (Amended 03/22/07)

1. The purpose of the SR 85 North Overlay Zone is to achieve the following: (Amended 03/22/07)

- a. To establish and maintain a scenic gateway into Fayette County, which projects an image of our quality lifestyle. (Amended 03/22/07)

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- b. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.

- c. To protect the aesthetics for existing and future development in this highway corridor. (Adopted 03/22/07)

2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

- a. Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

- a. All impervious surfaces, other than approved access, shall be located at least fifty (50) feet from the right-of-way of SR 85 North and a minimum of ten (10) feet from the side property lines

- b. Setbacks will be as follows:

- (1) Front yard setback on State Route 85 North: 100 feet (Amended 03/22/07)

- (2) Gasoline Canopy: Front yard setback on State Route 85 North: 85 feet (Amended 03/22/07)

- c. Impervious surface: Per zoning district (Amended 03/22/07)
  - d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height and shall be placed to the inside of the applicable buffer. (Amended 03/22/07)
4. Architectural Standards: These standards shall apply to all nonresidential development within this Overlay Zone.

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- a. All buildings of which any portion of said building is constructed within 1,000 feet of the right-of-way of S.R. 85 North shall be constructed of brick/brick veneer, fiber-cement siding (ie: Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), and/or wood siding. (Amended 03/22/07)
- b. The design of accessory/outparcel buildings shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property. (Amended 03/22/07)
- c. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

5. Landscape Requirements: In addition to the standard requirements of the Landscape Ordinance, the following landscape requirements shall apply to the Overlay Zone:

- a. Street Frontage. Landscape area: fifty (50) feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia

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Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06)

- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

6. Use of Existing Structure. When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:

- a. The setback requirements on the existing lot shall be reduced to the extent of any encroachment by the existing structures. Any new construction or improvements, shall comply with the setback requirements herein. (Amended 03/22/07)
- b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)

7. Lighting. Lighting shall be designed in such a way as to meet the following requirements: (Amended 03/22/07)

- a. Shielding standards. Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)



8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.

- a. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per parcel.

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- b. All roof top mechanical equipment and satellite dish antennas shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
- c. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.

C. General State Route Overlay Zone. All property and/or development which have road frontage and/or access on State routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This Overlay Zone specifically excludes SR 54 West and SR 85 North for which other Overlay Zones have been established herein. The Architectural Standards of this Overlay Zone Specifically excludes the L-C zoning district, for which other architectural standards have been established. (Amended 06/07/06) (Amended 03/22/07)

- 1. The purpose of the General State Route Overlay Zone is to achieve the following: (Amended 03/22/07)
  - a. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
  - b. To protect existing and future residential areas near highway corridors; and
  - c. To protect the aesthetics for existing and future residential areas in this highway corridor. (Adopted 03/22/07)
- 2. Access. The following requirements shall apply to all nonresidential property and/or development within the corridor: (Amended 03/22/07)

- a. Access to each nonresidential property and/or development shall be from a State Route or an adjacent street designated as an Arterial or Collector on the Fayette County Thoroughfare Plan. All access points shall be required to comply with Fayette County Development Regulations. (Amended 03/22/07)

3. Dimensional Requirements. Unless otherwise specified, these standards shall apply to all non-residential zoning districts within the areas described above.

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- a. All impervious surfaces, other than approved access drives, shall be located at least fifty (50) feet from the State Route right-of-way.
- b. Setbacks will be as follows:
  - (1) Front yard setbacks on all other State Routes: 100 feet (Amended 03/22/07)
- c. Impervious surface: The impervious surface within nonresidential zoning districts is limited to fifty (50) percent. The impervious surface must be indicated on the Site Plan. (Amended 03/22/07)
- d. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four (4) feet in height, and shall be placed to the inside of the applicable buffer. (Amended 03/22/07)

4. Architectural Standards. These standards shall apply to all nonresidential property and/or development within this Overlay Zone. Structures shall maintain a residential character. Elevation drawings denoting compliance with the following must be submitted as part of the Site Plan. (Amended 03/22/07)

- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half (4.5) inches in one (1) foot including gasoline canopies and accessory structures and shall be of a type and construction complimentary to the facade. A pitched mansard roof facade with a minimum pitch of four and one-half (4.5) inches in one (1) foot and a minimum height of eight (8) feet around the entire perimeter of the structure can be used if the structure is two (2) stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof facade must be of a residential character with the appearance of shingles, slate or

terra cotta. (Amended 06/07/06)

- b. All buildings shall be constructed in a residential character of fiber-cement siding (ie: Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco) on those portions of the building facing front and side yards and/or any property zoned agricultural-residential or residential. (Amended 03/22/07)

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- c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows. (Amended 03/22/07)
- d. The design of accessory/outparcel buildings shall reflect and coordinate with the general architectural style inherent in the primary structure on the property.
- e. When an existing nonconforming structure is enlarged by fifty percent (50%) or less, the enlargement does not have to meet the aforementioned Architectural Standards, but does have to match the architectural design of the existing nonconforming structure. This exemption shall only apply to the first occurrence of any enlargement after the effective date of this amendment. Only one (1) structure per parcel shall be entitled to the exemption. (Adopted 01/24/08)

When an existing nonconforming structure is enlarged by more than fifty percent (50%), the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards. (Adopted 01/24/08)

This exemption shall expire seven (7) years from the effective date of this amendment. After the expiration date, the entire nonconforming structure must be brought into compliance with the aforementioned Architectural Standards when any enlargement is made. (Effective Date/Adopted 01/24/08)

- 5. Landscape Requirements. In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:

- a. Street Frontage. Landscape area: fifty (50) feet in depth along State Route frontage. The first 25 feet as measured from the right-of-way are for required landscape planting only. The remaining 25 feet may

be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be

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exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the County Engineer. (Amended 02/23/06)

- b. Side Yard Landscape Area: ten (10) feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.
6. Use of Existing Structure When property containing a lawfully existing building and accessory structures is rezoned to O-I or Commercial, to use the existing buildings, the following requirements shall apply:
  - a. The dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by existing structures. Any new construction or improvements, shall comply with the dimensional requirements herein.
  - b. All additions to existing structures shall not encroach on the setback to a greater extent than the existing building line. (Amended 03/22/07)
7. Lighting. Lighting shall be designed in such a way as to meet the following requirements:
  - a. Shielding standards. Lighting shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas. (Adopted 03/22/07)
8. Special Locational and Spatial Requirements. The following special requirements shall be in addition to all district requirements. Where this section contradicts any other requirement, the most restrictive shall apply.
  - a. No more than 50 percent of the required parking can be located in the front yard along the State Route as established by the front building

line of any structure located on the site. (Amended 03/22/07)

- b. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per parcel.

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- c. All roof top mechanical equipment and satellite dish antennas shall be visually screened from roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened. (Amended 03/22/07)
- d. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing a State Route.

**Section 7-7. Commercial Development Standards.** (Added in its entirety 08/26/04)

- A. Architectural and site design standards and guidelines for structures 5,000 sq ft or greater (this applies to a single structure) that are located in the area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District).
- 1. Lighting:
    - a. Consistency. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blends into the landscape.
    - b. Shielding standards. Lighting shall be placed in such a fashion as to be directed away from any adjacent roadways or nearby residential areas.
    - c. Fixture height standards. Lighting fixtures shall be a maximum of thirty-five (35) feet in height within the parking lot and shall be a maximum of ten (10) feet in height within non-vehicular pedestrian areas.
    - d. Design standards. Lighting shall be used to provide safety while accenting key architectural elements and/or to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This can be accomplished through style, material or color (excluding fluorescent and neon, primary and/or secondary colors) or be designed to blend into the landscape through the use of dark colors such as

bronze. Mill finish is not permitted.

2. Service Function Areas (SFA's) including but not limited to loading, storage, mechanical equipment, and solid waste disposal.

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- a. Buffering and screening standards. Loading areas or docks, trash collection/compaction/recycling, mechanical equipment, vehicular storage (excluding new and used cars), roof top equipment and other service function areas shall be fully screened from view of adjacent properties and roadways at ground view level.
- b. Materials and design standards. Screening material and design shall be consistent with design treatment of the primary facades of the structure on site.
3. Drive-through lane standards:
  - a. Drive-through windows shall not be placed between the building and a public road right-of-way.
4. Pedestrian access standards:
  - a. Pedestrian ways, linkages and paths shall be provided from the building entry(s) to all parking areas and outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance(s) in a coordinated and safe manner. Pedestrian ways may be incorporated within required landscape areas, provided the landscape area is not less than ten (10) feet in width on average. Shared pedestrian walkways are required between adjacent projects.
  - b. Pedestrian crosswalks at building perimeter. Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
  - c. Minimum dimensions. Pedestrian walkways shall be a minimum of five (5) feet wide.
  - d. Materials. Pedestrian walkways and crosswalks shall be consistent with the provisions of the Americans with Disabilities Act (ADA) Accessibility Guidelines. Materials may include specialty pavers, concrete, colored

concrete or stamped pattern concrete.

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5. Building design:

- a. Building orientation standards. Facades/elevations that are visible from an arterial or collector street constitute an affected facade. Any facade that fronts on a right-of-way shall have two (2) of the following design features;
  1. Windows at a minimum of twenty-five (25) percent of the affected facade. All doors and windows must be divided or made to appear as if divided into more than 2 smaller panes either through framing or the use of mullions.
  2. Projected covered public entry with a minimum of twenty-five (25) percent of each projected wall space devoted to windows. (This figure is non-cumulative).
  3. Covered walkway (excluding canvas type) provided with six (6) inch columns or better, attached to the building at a minimum extension of eight (8) feet wide. The walkway must be a minimum of eight (8) feet in height with a maximum of ten (10) feet in height and must extend the full length of the affected facade.
  4. Canopies/Awnings of a fixed nature.
- b. Facade/wall height transition: New developments that are located within three hundred (300) feet of an existing building and are more than twice the height of, or are half of the height of or less than any existing building shall provide transitional massing elements to transition between the existing buildings of lower height within three hundred (300) feet, and the proposed development. Any building that is more than two (2) stories shall have massing for any possible future neighboring development.
- c. Facade standard: All buildings shall be designed with consistent architectural style. In the case of outparcel buildings, all exterior facades shall adhere to the requirements of this section with respect to architectural design treatments for all facades. All exterior facades shall be designed to employ the following design treatments:
  1. All buildings shall maintain a facade of brick, stone, or stucco.

2. Window standards: Windows shall not appear to be false or applied.

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3. No horizontal length and/or uninterrupted curve of a building facade or roofline shall exceed twenty-five (25) linear feet and shall have architectural elements along a minimum of fifty (50) percent of their horizontal length per affected side. These features include, but are not limited to: display windows; projected entry areas; and/or other such design elements as proposed by the architect.



